

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TBS LATIN AMERICAN LINER, LTD.,

Plaintiff,

-against-

COMERCIAL E INDUSTRIAL DE BASICOS
S.A. DE C.V.

Defendant.

**ECF
SUPPLEMENTAL
AFFIDAVIT PURSUANT
TO SUPPLEMENTAL
RULE B**

07 Civ. 11620 (RJS)

STATE OF NEW YORK)

SS. :

COUNTY OF NEW YORK)

TULIO R. PRIETO, being duly sworn, deposes and
says:

1. I am a member of the Bar of this Court and a member of the firm of Cardillo & Corbett, attorneys for the Plaintiff herein. I am familiar with the facts of this case and make this affidavit in support of Plaintiff's prayer for the issuance of a Supplemental Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure.

2. On December 28, 2008, the Court issued an Order For Process of Maritime Attachment, directing the issuance of Process of Maritime Attachment in the amount of \$1,480,000.00. Plaintiff has now filed a First Amended Verified Complaint

seeking damages in the amount of \$2,488,175.00. Plaintiff respectfully requests the Court to review the Amended Complaint and issue a Supplemental Order For Process of Maritime Attachment, directing the issuance of Process of Maritime Attachment for the full amount of Plaintiff's claim.

3. I have attempted to locate defendant, COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V., within this District. As part of my investigation to locate the Defendant within this District, I examined the telephone company information directory, as well as the white and yellow pages of New York listed on the Internet or World Wide Web, and did not find any listing for the Defendant.

4. The database of the office of the New York State Secretary of State was searched to determine if Defendant is qualified to do business in New York. The database shows no entry for COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V.

5. On information and belief, Defendant, COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V., was and still is, a foreign corporation, or other business entity, organized under, and existing by virtue of foreign law, with an address at Av Presidente Masaryk 61-15, Col Polanco, Mexico City 11560 D.F., Mexico.

6. In consequence of these inquiries your deponent believes that the Defendant cannot be found within the Southern

District of New York.

7. Upon information and belief, Defendant has, or will have during the pendency of this action, tangible and intangible property within the District in the hands of ABN Amro Bank NV, American Express Bank, Bank of America, Bank of Communications Co. Ltd. New York Branch, Bank of New York, Barclays Bank, BNP Paribas, Citibank, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, UBS AG and/or Wachovia Bank, in the form of accounts and/or fund transfers identified as follows:

- a) accounts in the name of COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V., or
- b) electronic funds transfers listing COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V. as a beneficiary of the funds transfer, or
- c) electronic funds transfers showing COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V., as the remitting party or ordering customer.

WHEREFORE, TBS LATIN AMERICA LINER, LTD. respectfully requests that the Court authorize the issuance of process in the form of a Writ of Maritime Attachment and Garnishment seeking attachment and garnishment of COMERCIAL E INDUSTRIAL DE BASICOS S.A. DE C.V., tangible and intangible property within

this District.



TULIO R. PRIETO

Sworn to before me this
4th day of January, 2008



NOTARY PUBLIC

CHRISTOPHIL B. COSTAS
Notary Public, State of New York
No. 31-0773693
Qualified in New York County
Commission Expires April 30, 2011